

Farzin Sadeghi, Civil Engineer
P.O. Box 88
Marshall, Virginia 20116
Tel. (540) 364-4679
Fax: (540) 364 2473
E-mail: zinraf@earthlink.net

Richard Robison
Chairman
Fauquier County Planning Board
40 Culpeper Street
Warrenton, VA. 20186

Re: PROPERTY DESCRIPTION: 10109 Valley Dale Lane
Marshall, VA. 20115

Dear Chairman Robison;

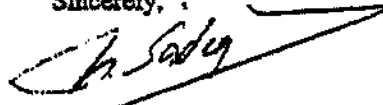
In studying the requirements of the administrative division of our property, I discovered that there is a 50' easement requirement for access to the property. Relying upon the attached document, a matter of public record, I believed that in fact we do have this easement. However, in conversations with members of the Planning Commission, it appears that in about 200' of the 1900' access road we have only a 40' easement!

The lot that is the subject of this administrative division consists of 4.07 acres that my wife and I promised to my sister three years ago when she executed a deed conveying her interest in the above-referenced property to my wife. I've been told that we cannot convey the acreage by family division. As it is today, the access road actually services 11 existing homes, and this easement has no use now. The easement exists only on paper and not in fact. Thus, I am respectfully requesting that a waiver be granted for the 50' easement requirement to 40' at that 200' length. I earnestly believe that given the current situation having one more home serviced by the access road will not impact the existing community.

So far I have spent several thousand dollars for perc tests and in engineering costs and fees. The costs were incurred because I reasonably relied upon documentation showing that a 50' easement actually exists. I would also like to point out that the Board has also granted a waiver for more than 1000' the length of the driveway from the state maintenance road.

Sir, I thank you for your consideration to this matter.

Sincerely,



Farzin Sadeghi

BK0826PG0461

8815096

DEED OF EASEMENT

THIS DEED OF EASEMENT made and entered into this 19th day of November, 1998, by and between ANITA E. PAYNE and WILLIAM L. PAYNE, wife and husband, Grantors, parties of the first part; MARSHALL S. BURGESS, divorced and not remarried, Grantee, party of the second part; MARSHALL NATIONAL BANK AND TRUST COMPANY, Notaholder, party of the third part; and S. CRISLER LINDSEY, Trustee, party of the fourth part.

W I T N E S S E T H :

THAT in consideration of the premises, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties of the first part do hereby GRANT and CONVEY unto the party of the second part, her successors and assigns, a certain limited right-of-way and easement, described as follows:

A perpetual non-exclusive limited right-of-way and easement in, on, over, through and across that certain strip of land, ten (10) feet in width, adjacent to an adjacent easement forty (40) feet in width, for the limited purpose of vehicular and pedestrian ingress and egress from Virginia State Route No. 647, to that certain parcel of land containing 326,700 square feet or 7.5000 acres, described as Parcel A-1-B on that certain plat entitled "Plat Showing Division of Parcel A-1, Victor Hacher Property", prepared by Robert C. Baker & Associates, Land Surveyors, Warrenton, Virginia, under date of October 19, 1998, on file in the office of said Robert C. Baker, and intended to be hereafter recorded in the Clerk's Office of the Circuit Court of

Prepared By:

WILLIAM L. LINDSEY
ATTORNEY AT LAW
DARTMOUTH, MASS.
21 WASHINGTON STREET
DARTMOUTH, MASSACHUSETTS

DEC 30 1998
S.A.R.

DK0826PG0462

Panquaker County, Virginia; said ten (10) foot strip of land over which the above-described limited easement is herein granted being shown cross-hatched on that certain plat entitled "Proposed 10' Ingress/Egress Easement on Parcel 'B'", etc., prepared by Robert C. Baker & Associates, Land Surveyors, Warrenton, Virginia, under date of October 20, 1998, a copy of which plat is attached to and made a part of this instrument.

IT BEING UNDERSTOOD AND AGREED THAT THIS LIMITED EASEMENT IS GRANTED SOLELY FOR THE USE AND BENEFIT OF THE GRANTEE AND HER SUCCESSORS AND ASSIGNS AS THE OWNERS OF SAID PARCEL A-1-B, AND SAID 10 FOOT WIDE EASEMENT OVER GRANTORS' PROPERTY SHALL NOT BE USED BY AND IS NOT GRANTED TO ANY OTHER PARTY OR PROPERTY FOR THE PURPOSE OF THE SUBDIVISION OF THE PARCEL TO WHICH THIS EASEMENT IS GRANTED OR ANY OTHER LANDS USING SAID ADJACENT RIGHT-OF-WAY. ANY OTHER USE OF THE EASEMENT HEREBY GRANTED IS EXPRESSLY PROHIBITED.

WHEREAS, by Deed of Trust dated January 31, 1991, of record in the aforesaid Clerk's Office in Deed Book 649 at page 1267 William L. Payne and Anita E. Payne did convey said Parcel B, containing 3.0010 acres, to B. Crisler Lindsay, Trustee, in trust to secure payment to Marshall National Bank and Trust Company of a debt more particularly set out in said Deed of Trust; said Deed of Trust having been amended by instruments recorded in Deed Book 715 at page 1587, Deed Book 720 at page 2011, and Deed Book 777 at page 1000.

BE0826PG0463

N/F CORDER

S 44° 25' 25" E - 285.06'

VICTOR HACKER PROPERTY DIVISION
PARCEL A-1
PARCEL A-2

PARCEL B

WILLIAM L. PAYNE & ANITA R. PAYNE

3.0010 ACRES

P.L.N. 8948-89-0863

PROPOSED 10' INGRESS/EGRESS ESM'T.
2132 SQ. FT. OR 0.0489 ACRES



- NOTES: 1) THE PROPERTY SHOWN HEREON IS DELINEATED BY FAUQUIER COUNTY TAX MAP NUMBER 8948-89-0863 AND CURRENT OWNER OF RECORD IS WILLIAM L. PAYNE AND ANITA R. PAYNE AS RECORDED IN DEED BOOK 594, PAGE 76, ALL AMONG THE LAND RECORDS OF FAUQUIER COUNTY, VIRGINIA.
- 2) NO TITLE REPORT FURNISHED.
- 3) THE EASEMENT HEREBY SHOWN SHALL BE EXPRESSLY LIMITED IN SCOPE AND USE SPECIFICALLY FOR AND IN FAVOR OF PARCEL A-1-B.

**PROPOSED LIMITED 10' INGRESS/EGRESS EASEMENT
TO PARCEL A-1-B ON PARCEL "B" A DIVISION OF
THOMAS F. THORPE PROPERTY AS RECORDED IN
DEED BOOK 594, PAGE 73, SITUATED IN MARSHALL
DISTRICT, COUNTY OF FAUQUIER, VIRGINIA**

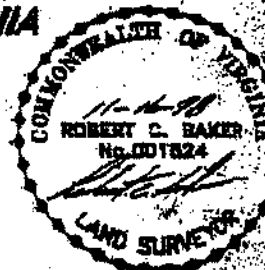
ROBERT C. BAKER & ASSOCIATES
LAND SURVEYORS
P.O. BOX 3485
WARRENTON, VIRGINIA 20188
(540) 349-0885
OCTOBER 2, 1998
REVISED: OCT. 20, 1998

THIS PLAN IS FOR THE SOLE PURPOSE OF
RECORDING AN EASEMENT

AND IS NOT AN APPROVAL OF NEW LOT(S)
IF RECORDED UNDER THE FAUQUIER
COUNTY SUBDIVISION ORDINANCE

12/9/98
VT. BOARD OF SUPERVISORS

GRAPHIC SCALE IN FEET



8K0826PG0464

R. Chrysler Lindsay, Trustee, and Marshall National Bank and Trust Company join in this instrument for the sole purpose of evidencing their approval of and do hereby consent to the matters contained herein, it being distinctly understood that, except as modified hereby, all other terms and provisions of the aforesaid Deed of Trust and Note secured thereby shall remain the same as originally executed and amended as aforesaid.

WITNESS the following signatures and seals as of the day and year first above written.

Antia R. Payne (SEAL)
ANTIA R. PAYNE

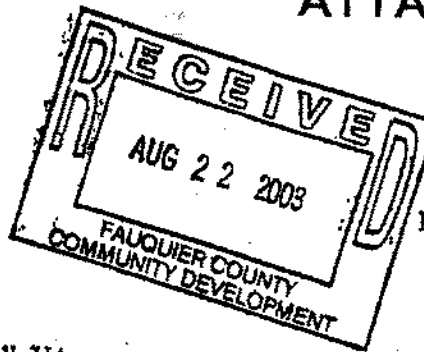
William L. Payne (SEAL)
WILLIAM L. PAYNE

Madeline S. Burgoyne (SEAL)
MADELINE S. BURGOYNE

MARSHALL NATIONAL BANK AND
TRUST COMPANY

BY *R. Chrysler Lindsay*
[Signature] (SEAL)
R. CHRYSLER LINDSAY, Trustee

Chuck Floyd
Office of Community Development
Fauquier County
Thursday, August 21, 2003



page 1 of 2

RE: Request for right-of-way waiver
by Farzin Sadeghi
Parcel 55, PIN # 6949-81-0583-000
located on Valley Dale Lane, Marshall, VA

Dear Mr. Floyd:

It has recently come to the attention of the residents of Valley Dale Lane that Mr. Farzin Sadeghi has requested a right-of-way waiver for the above referenced property for the purpose of subdivision. Mr. Sadeghi's initial subdivision request in the spring of this year was denied and he has resubmitted asking the Fauquier County Planning Commission for a waiver to the right-of-way requirements for this subdivision.

We, the residents of Valley Dale Lane, wish to inform the Commission that we are firmly opposed to this request. Please consider these issues when examining Mr. Sadeghi's application:

- I. Valley Dale Lane is a narrow, gravel lane approximately 12 feet wide. It was formerly a farm lane serving 2 residents. Currently there are 11 residences using this ingress and egress route. It was not constructed to handle the traffic it has today, much less any additional traffic that subdividing would create.
- II. The only outlet from Valley Dale Lane is directly onto Route 647. The sight distance at the intersection of Valley Dale Lane and Route 647 does not meet the Virginia Department of Transportation sight distance requirements. Route 647 is a very heavily traveled road with a posted speed of 45 mph and an assumed speed of 55 mph. Adding to the outgoing Valley Dale traffic onto Route 647 increases the possibility of accident and/or personal injury.
- III. There are several families with small children that live on Valley Dale Lane. These children play with their pets in the front yards that are adjacent to the lane. Many of these same children are required to walk to and from the school bus stop at Route 647 down Valley Dale Lane. Thereby increasing the potential for an accident or even a fatality.
- IV. There are several existing driveways that tie into Valley Dale Lane that do not meet sight distance requirements. In addition, there are several blind hills and curves on the existing lane further compounding potential risks as traffic volume increases.
- V. This parcel is currently in land-use status zoned for agricultural use. Approval of this waiver would decrease the agricultural acreage in Fauquier County. Furthermore, the property lies within close proximity to the Cobbler Mountain Forest and Agricultural District. This small lot subdivision would be in violation of the intent of the agricultural district and existing zoning.

Attached are the signatures of the majority of residents on Valley Dale Lane as evidence of our concern and opposition to this request made by Mr. Sadeghi.

Sincerely,
The residents of Valley Dale Lane
attachment

Signature Attachment

RE: Request for right-of-way waiver
by Farzin Sadeghi
Parcel 55, PIN # 6949-81-0583-000
located on Valley Dale Lane, Marshall, VA

page 2 of 2

- | | | | | |
|-----|---|--|--|------------------------|
| 1. | <u>Bryan Santucci</u>
Printed Name | <u>Bryan Santucci</u>
Signature | <u>9576 Valley Dale Ln</u>
Address | <u>8-18-03</u>
Date |
| 2. | <u>Henry Haynes</u>
Printed Name | <u>Henry Haynes</u>
Signature | <u>9588 Valley Dale Ln</u>
Address | <u>8-18-03</u>
Date |
| 3. | <u>Curtis N. Hambrick</u>
Printed Name | <u>[Signature]</u>
Signature | <u>10006 Valley Dale Ln</u>
Address | <u>8-18-03</u>
Date |
| 4. | <u>J. Michael Hackett</u>
Printed Name | <u>[Signature]</u>
Signature | <u>10005 Valley Dale Ln</u>
Address | <u>8-18-03</u>
Date |
| 5. | <u>Mary L. Hackett Munday</u>
Printed Name | <u>Mary L. Hackett Munday</u>
Signature | <u>10013 Valley Dale Ln</u>
Address | <u>8/18/03</u>
Date |
| 6. | <u>Nicole E. Barry</u>
Printed Name | <u>Nicole E. Barry</u>
Signature | <u>10058 Valley Dale Ln</u>
Address | <u>8/18/03</u>
Date |
| 7. | <u>Jan M Snodgrass</u>
Printed Name | <u>Jan M Snodgrass</u>
Signature | <u>10173 Valley Dale Ln</u>
Address | <u>8/18/03</u>
Date |
| 8. | <u>DAVID R. EADENS</u>
Printed Name | <u>David R. Eadens</u>
Signature | <u>10222 VALLEY DALE LN</u>
Address | <u>8/18/03</u>
Date |
| 9. | <u>David A. Thorpe</u>
Printed Name | <u>[Signature]</u>
Signature | <u>10116 Valley Dale Ln</u>
Address | <u>8-21-03</u>
Date |
| 10. | _____
Printed Name | _____
Signature | _____
Address | _____
Date |
| 11. | _____
Printed Name | _____
Signature | _____
Address | _____
Date |
| 12. | _____
Printed Name | _____
Signature | _____
Address | _____
Date |
| 13. | _____
Printed Name | _____
Signature | _____
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| 14. | _____
Printed Name | _____
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| 15. | _____
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| 16. | _____
Printed Name | _____
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Address | _____
Date |
| 17. | _____
Printed Name | _____
Signature | _____
Address | _____
Date |
| 18. | _____
Printed Name | _____
Signature | _____
Address | _____
Date |
| 19. | _____
Printed Name | _____
Signature | _____
Address | _____
Date |

TO: Department of Community Development, Fauquier County

FROM: Steven M. Hackett, 10528 Ada Road, Marshall, VA 20115

SUBJ: ADMINISTRATIVE SUBDIVISION UNDER CONSIDERATION

TM 39

PARCEL 55

PIN #6949-81-0583-000

DISTRICT:

MARSHALL

ZONING:

RA

DATE: 27 May 2003

1. Reference your letter of May 13, 2003, subject as stated above, regarding creation of two parcels of land from existing 52.5 acres.

2. My comments are as follows:

a. I object to further subdivision of the 52.5 acres belonging to Farzin Sadeghi and Mary Sue Hafner because of the continued increase of traffic on Valleydale Lane.

b. The tract of land being considered for an administrative subdivision does not have 50' access to Crest Hill Road (Rt #647).

c. There are major safety issues for any traffic entering or exiting Crest Hill Road from Valleydale Lane.

Respectfully submitted,



Steven M. Hackett
703-369-5531 (w)
540-364-2660 (h)